

Remarks/Arguments:

This Amendment is being filed in response to the Office Action of July 16, 2003.

A Petition for a One Month Extension of Time to respond is attached hereto. Reexamination and reconsideration are respectfully requested.

As an initial matter, the drawings were objected to on the grounds that the drawings did not show the opening 15d. This objection is not fully understood. The location of the opening was illustrated in Fig. 5.

In addition, Applicant notes that the present application, by way of the preliminary amendment filed on March 18, 2002, included dependent claims 7-9. Applicant notes that the Office Action of July 16, 2003 did not formally acknowledge dependent claims 7-9. Applicant responds here and respectfully requests acknowledgement of dependent claims 7-9 in the next Office Action.

Claim 1 was rejected under 35 USC 112 for the use of the phrases "or the like" and "in particular". Claim 1 has been amended to render the outstanding rejection under 35 USC 112 as moot. In addition, claims 1-9 have all been amended to comply with U.S. practice and to remove the reference numerals. No new matter has been entered.

Applicant also notes that claim 1 has been amended to recite that the bearing unit comprise first and second receiving means connected by an at least partially elastic element. Support can be found in the claim as originally filed, and at page 4, lines 14-15, which recites that the bearing unit has two bearing receiving means 10 and 11. Claim 1 was also amended to recite that the control element comprises first and second bearing journals received in the first and second bearing receiving means, such that the control element is rotatably fitted into the bearing unit. Support can be found in the claim as originally filed, an at page 4, lines 5-7, which recite that the use of bearing journals or

projections 22 and 23 as illustrated in FIG. 3 for the control element 2, which can be the turbulence flap 2. Accordingly, no new matter is believed entered by said amendments.

Finally, new dependent claim 10 recites that the control element may be a turbulence flap and new dependent claim 11 recites that the control element may be a length switching flap. The Examiner will recognize that these preferred forms of the control element were also originally recited in claim 1.

Turning to the art rejections, claims 1-6 were rejected under 35 USC 102(b) in view of U.S. Patent No. 5,813,380. Applicants respectfully respond as follows.

The bearing device of the present invention is a bearing device for rotatably receiving a control element in media-carrying conduits of an internal combustion engine comprising a bearing unit comprising first and second receiving means connected by an at least partially elastic connecting element, said control element comprising first and second bearing journals respectively received in said first and second bearing receiving means, whereby said control element is rotatably fitted into said bearing unit and wherein said bearing unit can be inserted into a receiving means in the conduits. It is not believed that these various features can be found in U.S. 5,813,380, and as such, it is believed that claim 1, and dependent claims 2-11 satisfy the conditions of patentability under 35 USC 102 with respect to U.S. 5,813,380.

Expanding upon the above, it is clear that the device of the U.S. '380 patent only carries the shaft for the turbulence flap. By contrast, the present invention provides the ability to prefit the turbulence flap into the bearing device which then, in combination, can be readily fit into the conduit of the induction system.

Furthermore, it is hopefully clear that the device of the present invention is functionally different from the device of the U.S. '380 patent. The device according to the U.S. '380 patent is designed to bear the connection rod or control rod for the

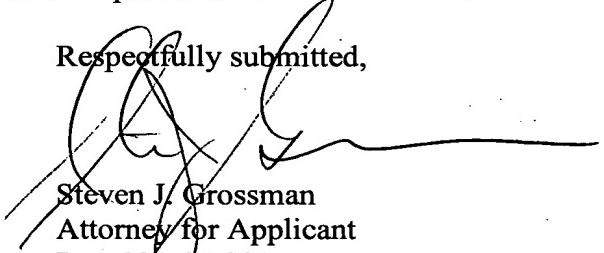
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turbulence flap. By contrast, the device of the present invention as recited in the amended claims bears the turbulence flap itself.

Having dealt with all of the outstanding rejections and objections, it is submitted that the application is in condition for allowance. Early and favorable action is respectfully solicited.

In the event that there are fee deficiencies, or additional fees are payable, please charge, or credit any over payments to Deposit Account No. 50-2121.

Respectfully submitted,


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